

Application No. 09/154,966

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Haywood, et al.  
Application No.: 09/154,966  
Filed: September 17, 1998  
Title: DEDICATED BANDWIDTH DATA COMMUNICATION SWITCH  
BACKPLANE

Grp./Div.: 2665  
Examiner: Steven HD Nguyen

Docket No.: 39892/JEC/X2/111480

**RECEIVED**

FEB 06 2003

Technology Center 2600

## DECLARATION OF GEOFFREY C. STONE

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068

Commissioner:

I, Geoffrey C. Stone, declare and state as follows:

1. Christopher Haywood and I are the joint inventors of the subject matter described and claimed in this application.

2. In 1996, I began working for Alcatel Internetworking, Inc. (AII), formerly known as Xylan Corporation, in Calabasas, California. I worked for AII until September, 2001, when I resigned. While employed by AII, I worked on creating the design and definition of the OmniSwitch Router, which was initially referred to as the Omni-MVA or Omni97. The subject matter of the above-identified application is embodied in the OmniSwitch Router, namely, in the switching fabric ASICS incorporated into the OmniSwitch Router.

**Application No. 09/154,966**

3. As shown by at least the following facts, the invention claimed in this application was conceived of and reduced to practice by me and Christopher Haywood prior to January 7, 1997.

4. The general hardware requirements of the OmniSwitch Router including the requirements and operation of the switching fabric ASIC which embodies our invention is provided in a document entitled "Omni-MVA Hardware Overview." The general functional requirements of the OmniSwitch Router including the requirements and operation of the switching fabric ASIC which embodies our invention is provided in a Products Requirement Document entitled "Omni-MVA Network Switching System." These documents evidence conception of the claimed invention. A true and correct copy of the "Omni-MVA Hardware Overview" and "Omni-MVA Network Switching System" documents, except for the dates, which have been redacted, are attached hereto as Exhibits A and B to this Declaration.

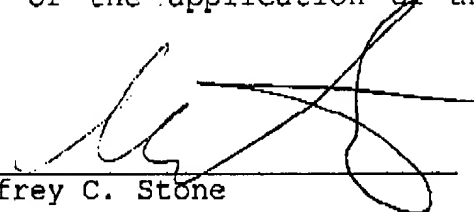
5. On or before January 7, 1997, we finalized the requirements for the switching fabric ASIC and generated a model of the switching fabric ASIC. These acts constitute a reduction to practice of the claimed invention. This reduction to practice is evidenced by the document entitled "Omni97 Status Review." A true and correct copy of the "Omni97 Status Review" except for the dates, which have been redacted, is attached hereto as Exhibit C to this Declaration.

6. Christopher Haywood is no longer employed by AII. He is now the Vice President of Engineering of Internet Machines Corporation, a direct competitor of AII with which AII has recently been involved in litigation. Christopher Haywood is therefore unavailable to join-in in this declaration. However, I have no reason to believe that Christopher Haywood would not agree with the description of facts presented herein.

**Application No. 09/154,966**

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: \_\_\_\_\_

1/27/03  
\_\_\_\_\_  
Geoffrey C. Stone

484609\_1.DOC